



**U. S. Department of Justice**

*United States Attorney  
Northern District of New York*

304 Federal Building  
15 Henry Street  
Binghamton, New York 13901-2753

607 / 773-2887  
FAX: 607 / 773-2901

September 20, 2005

Honorable David E. Peebles  
U.S. Magistrate Judge  
Northern District of New York  
United States Courthouse  
100 South Clinton Street  
P.O. Box 7345  
Syracuse, New York 13261-7345

Re: U.S. v. David Falso, 3:05-CR-270 [TJM]

Dear Judge Peebles:

Please excuse this very short response to defendant's September 19, 2005 letter which apparently was faxed to both the Court and the government. I am presently on trial before Judge McAvoy and therefore this letter will be very succinct.

The government objects to defendant's latest tactic. This defendant has essentially argued in this most recent letter that because a defendant in a completely separate and unrelated matter, that being the Gosek federal matter, was released on some type of conditions that therefore Falso too should be and deserves to be released on conditions. This is the second time that defendant has employed this tactic which we find completely inappropriate. At a prior proceeding before this Court, this defendant brought up a case involving a defendant Gilkeson, yet another totally unrelated federal case, and argued that Falso is nowhere nearly a predator like Gilkeson and that Falso should therefore be released on conditions. What defendant argues is just plain inappropriate.

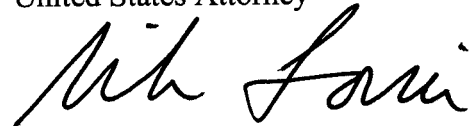
Defendant essentially wants this Court to start comparing unrelated cases and putting them and the defendants of those unrelated cases on some type of sliding scale. The government objects. Falso's case, like every child exploitation case, has hundreds of facts that are unique to his prosecution. For the Court to engage in what defendant suggests, is contrary to the rules and the spirit of the laws that govern the issues of detention.

We request that this Court reject defendant's suggestions in his September 19, 2005 letter.

We once again stand by our unwavering recommendation that detention of defendant Falso is overwhelmingly justified and warranted on the extensive information that has been presented to this Court. We urge this Court to deny defendant's motion.

Sincerely,

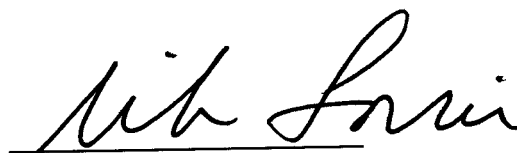
GLENN T. SUDDABY  
United States Attorney

A handwritten signature in black ink, appearing to read "Mih Lovric", written over the typed name of the Assistant U.S. Attorney.

BY: Miroslav Lovric  
Assistant U.S. Attorney

**CERTIFICATE OF SERVICE FOR ELECTRONIC CASE FILING SYSTEM**

I hereby certify that on September 20, 2005, I electronically filed with the NDNY Clerk of the District Court using the CM/ECF system the above-referenced document(s) in connection with the above-referenced case. The CM/ECF system automatically sent electronic notifications of such filing to the attorneys of record in this case, as maintained by the District Court Clerk's Office, AND who are properly registered in the CM/ECF system for the NDNY as required pursuant to NDNY General Order #22. As for any attorney of record in this case who is not registered in the CM/ECF system for the NDNY, the government has caused to be mailed or faxed to that attorney either the actual CM/ECF electronic notification/e-mail as received from the CM/ECF system by the government and/or the actual documents being filed. Therefore, the non-registered attorney(s) will receive the same electronic ECF notice with the same information as will the attorney(s) who is/are registered in the CM/ECF system.

A handwritten signature in black ink, appearing to read "M. Lovric", is written over a horizontal line.

Miroslav Lovric  
Assistant U.S. Attorney